

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY DeFRANCO,)	
)	
Plaintiff,)	
)	
V.)	Civil Action No. 04-230-ERIE
)	
SUPERINTENDENT WILLIAM WOLF;)	Judge Maurice B. Cohill, Jr.
STEVE REILLY; DENESE BRUNNER;)	Mag. Judge Susan P. Baxter
MANAGER ROD SHOWERS; CASE)	
MANAGER JUDY JACKSON;)	
DR. JOHN DOE; JANE DOE, JEFFREY)	
BEARD; ASSIST. SUPER. WILLIAM)	
BARR; MARILAND BROOKS,)	
)	
Defendants.)	

DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT

AND NOW, come the defendants, Superintendent William Wolfe, Steve Reilly, Denise Bunner (incorrectly identified as Denese Brunner), Unit Manager Rod Showers, Case Mgr.—GECAC Judy Jackson, Jeffrey Beard, Assistant to the Superintendent William Barr, and Marilyn Brooks (incorrectly identified as “Mariland”) by their attorneys, Thomas W. Corbett, Jr., Attorney General, Mary Lynch Friedline, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and respectfully submit the following Cross-Motion for Summary Judgment based on the following:

1. Defendants incorporate herein their Response to Plaintiff’s Statement of Undisputed Material Facts, their Counterstatement of Undisputed Material Facts, and their Brief in support of this motion, filed simultaneously herewith.

2. Based upon the law and undisputed facts of record, plaintiff’s motion for partial summary judgment is without merit, and defendants are entitled to summary judgment in their favor as to the all of plaintiff’s claims.

WHEREFORE, defendants respectfully request that this Court enter summary judgment in favor of defendants and against plaintiff with respect to all claims.

Respectfully submitted:

Thomas W. Corbett, Jr.
Attorney General

By: /s/ Mary Lynch Friedline
MARY LYNCH FRIEDLINE
Senior Deputy Attorney General
Attorney I.D. No. 47046
Susan J. Forney
Chief Deputy Attorney General
Litigation Section

Office of Attorney General
6th Fl., Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219
Date: August 1 2006

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2006, I electronically filed the foregoing Defendants' *Cross-Motion for Summary Judgment* with the Clerk of Court using the CM/ECF system. This document will be mailed via U.S. mail to the following non CM/ECF participants:

Anthony DeFranco, CZ-3518
SCI-Albion
10745 Route 18
Albion, PA 16475-0001

By: /s/ Mary Lynch Friedline
MARY LYNCH FRIEDLINE
Senior Deputy Attorney General

Office of Attorney General
564 Forbes Avenue
Manor Complex
Pittsburgh, PA 15219